

MINUTES

P & Z COMMISSION HEARING November 20, 2003

ATTENDANCE P & Z Commissioners

ATTENDED

1. John Dalton, Chairman
2. Frank Damato
3. Wendell DeCross
4. Bob Bailey
5. Gary Nelson
6. Drew Shumway

ABSENT

Micah Lomaomvaya
Tommy Joe
Roy Solomon

Staff Attendance

1. David Ashton, Director of Development Services
2. Lissa Davis, Planner II
3. Richard Young, Deputy Director of Public Works

Meeting held at the Board of Supervisors Chambers, Holbrook, Arizona - Time 6:00 p.m.

John Dalton called the meeting of the Navajo County Planning & Zoning Commission to order, and explained the meeting procedures to the public. Mr. Dalton then led the Pledge of Allegiance.

Item # 1 **COMPREHENSIVE PLAN:** Discussion and possible Commission action regarding the adoption of the Navajo County Comprehensive Plan. **Lissa Davis** introduced the Comprehensive Plan by reading the background material. Ms. Davis said that from the comments that they had received the main concerns would be that the Plan would limit what the property owner could do with the land. Ms. Davis said that this is not their intent and this would not affect minor land division, nor limit the use of the current zoning. Another concern voiced was how interstate communities were dealt with. Ms. Davis said that this is not a Winslow, Holbrook, Snowflake, Taylor or Show Low plan. Ms. Davis went on to say that this is a Comprehensive County wide plan designed for the unincorporated areas. On the circulation portion there has been some misconceptions regarding this element. The projected future roads are just those, projections. Ms. Davis said that the discussion with the three large landholders (Bob Worsley, Bill Jeffers, and Steve Brophy) resulted in the placement of roadways that these owners would like to eventually pursue across their lands. Ms. Davis went on to say that the county will not construct the projected future roads and it will be the developer's responsibility to build these roads in compliance with County standards and Subdivision Regulations.

Dave Ashton discussed the various circulation and transportation corridors. Mr. Ashton said that the developer would have to build these roads since the County does not have the funds. Mr. Ashton explained that if a road went through a State Section the applicant would have to get a right of way. The developer would have to build the roads to County standards and turn them into public roads by dedication, as one of the requirement of the Master Plan. Mr. Ashton said that a major landholder (Bob Worsley) owns 21 sections and he felt this would serve him and so he could do his own projections. Staff is recommending approval. **Scott Higginson** said that this is a document to be used to assist in the planning process. Mr. Higginson explained that this document would only kick in if someone requested a Zone Change, as the plan would be a guide. Mr. Higginson said that this document does not take in any of the tribal lands, any of the National Forests or Parks, and the tribal fee owned lands. Mr. Higginson indicated that they met with large property owners as well as studied the property ownership. Mr. Higginson gave a further overview of what went into the planning process. **Comments from the public:** **Paula Rhoden** is a reporter with the Holbrook Tribune and asked what the plan cost and how Mr. Worsley became involved in the process. **Mr. Higginson** explained that Mr. Worsley owns property in Navajo and Apache County. Mr. Worsley has an interest in putting together a development plan for his own property. When they began the process of putting together a team of planners and attorneys for his own land they became aware that Apache and Navajo County had not completed the Comprehensive Plan. Mr. Higginson assisted both counties in putting together the respective Comprehensive Plans. **Itasca Small** addressed concerns about the proposed requirements for Commercial Development in the rural ranch and rural edge areas. Ms. Small was

concerned if this was restricted to paved roads or paved access that there could be areas that would continue to stagnate. She said that these services should be available to the rural ranch and rural edge residents with out having a Community Master Plan that has this large requirement as proposed. Ms. Small indicated that they should consider reviving the idea of a township. Ms. Small expressed concerns with the large landowners who subdivide and sell these lots to unwary sellers who do not know much about the land. Ms. Small spoke about when large areas are being subdivided (36 or 40 acres parcels or larger) and the owners are imposing stricter CC&R's on the use of the property than the County's Zoning Ordinance. Ms. Small asked if someone would be able to come up with a Community Master Plan and the recommendation of the character areas land use and be able to enforce much stricter CC&R's on this Community Master Plan. Ms. Small submitted a proposal for consideration that the idea be investigated based on the fact that the Federal Government calls Interstate 40 an Economic Lifeline Corridor. Ms. Small suggested that they should investigate the possibility of putting a highway bypass between Holbrook and the west side of Heber. Ms. Small also suggested a Magnetic Levitation Rapid Transportation System. **Harold Soehner** is the Vice Mayor of Winslow and is in favor of the proposed road to Heber from Winslow. They also would encourage future roads connecting State Highway 99 across to Rural Ranch areas. He asked how much research was done in the Winslow area. **Spike Simmons** is a member of the Holbrook City Council. Mr. Simmons said that priorities should be given to improvement of existing roads serving existing peoples. Priority should also be given to the improvements in expansion to those places already in existence. Mr. Simmons said that the existing highways are the ones in need of improvement. He appreciated the removal of the proposed airport from the Master Plan because it is important that the existing four airports should be expanded. He said it is more cost effective than starting a new Regional Airport that may or may not be needed. **Scott Higginson** addressed Itasca Small's comments. Regarding the concern about commercial use and paved roads he indicated the language has been changed from "must" to "should". Mr. Higginson said that most of the "must" and "shall" in the text has been changed to "should". He addressed the comments about the larger lot buyers who find about the cost and try to make it work, and then they leave. He said this is what the Comprehensive Plan is for. He explained that when an individual comes in to develop a large property they will know what will be required by the County. He addressed the comments on the CC&R's. He addressed the Vice Mayor of Winslow's comment on the connectivity of the road coming across from State Route 99. Mr. Higginson said that the planners' recommendation is that it be shown from State Route 99 to the east so that it would go either way. He spoke about the how everyone wanted the commercial airport in their city so they decided to take a proposed airport off the map as based on public comments. He then explained how the planners selected the location for the possible airport by looking at the areas centrally located and started narrowing it down until they found the best 9 square miles in a flat area. Mr. Higginson said that he met with Mark Winkleman of the State Land Department and discussed these maps with him and was told that at this point in time Mr. Winkleman does not have any interest in making recommendations about what should be done on the State Lands. He agreed with Councilman Simmons on the priorities of State Highways. **Richard Young** spoke that the County could not build any of these proposed roads. By state law the County could only improve declared County highways. For the road to be declared a County highway, the Board of Supervisors has to find that there is necessity for that highway. Mr. Young said a good example of this was Penrod Road. Not having the traffic there now for a projected future road, or for parallel traffic, the developer would not be able to show the necessity ahead of time for building the roads that are shown as part of the plan. The Public Works Department would object strenuously to eliminating the requirements for allowing any roads to being built without being paved. The relative cost of maintaining an unpaved road with the County doing the work is approximately \$600.00 per mile per blading cycle to maintain a gravel road. The lowest cost dust palliative of the various chlorides cost them about approximately \$4,000.00 per mile per application. Public Works recommendation on the language of any new road construction should be kept as "must be paved". Mr. Young spoke that before the planners took out the proposed airport they had relatively high density residential downwind in the prevailing direction from where the airport runway would be aligned. That same Community Village is downwind of approximately 60,000 pigs. Mr. Young reiterated that Public Works concerns are that any new road construction should be paved and that as development occurs the development would contribute heavily to cost of the transportation infrastructure. **Dave Ashton** showed the Vice Mayor of Winslow on the map how they could increase the Community Village around Winslow, which would include State Sections. **Bob Bailey** asked when they projected the Pinon Forest as a area for people to move into over the next 50 years, did they consider the impact of the current drought projected lasting 10 more years and the pine bark beetle infestation. Mr. Bailey said that the Forest Service believes that this forest will die as a result of this problem. He went on to ask what could they do revitalize this area when that comes to fruition. **Dave Ashton** indicated they had not done any research on this and the drought is hard to predict. **Gary Nelson** said that Kayenta chose to be a Township. They are looking at plans and they would like the Navajo Nation and the County to possibly form a partnership for development. He went on to say that the Northern part of the county is primed for travelers and tourism and if there

was a way to get rail access from the mining area to the main line by the Holbrook/Winslow area it would bolster the tourism market. He then encouraged the County to work with the Navajo Nation to coordinate and plan on major transportation corridors. He explained that Kayenta is proposing changes to Federal law about private ownership via a 99-year lease. **Frank Damato** expressed appreciation to staff and Bob Worsley for the assistance on the Comprehensive Plan. The forest issue (bark beetle) will be a factor and this will have to be played out. Mr. Damato expressed his support of the plan and said that he is pleased with it. **John Dalton** agreed that a road should go southeast from State Route 99 in Winslow. He said at one time it was top priority in Navajo County for the State Highway Department to put a road through to Mormon Crossing. He referred to page 22 and asked about development without a Community Master Plan and with one. **Scott Higginson** explained the table on page 22 and 23, and said it takes all the individual tables on each of the different areas and puts it on one. You can pick any character area and go across and see what maximum densities are allowed under those character area designations. If someone comes to the County and wants to develop and not provide the County a Master Plan, the first column is the maximum density they can have. If they are willing to work with staff and complete the Master Plan the second column is the density allowed. The third column is the minimum size parcel somebody would be able to develop under a Master Plan. **John Dalton** said that they are putting the burden on the property owners by requiring a Master Plan to develop and feels this is restrictive. **Scott Higginson** said this is a new concept. As the county continues to grow it will need tools to better understand how to accomplish certain objectives. If the county decides to adopt an ordinance requiring impact fees for every development unit built, then the developer has to make a contribution of XX amount of money to build public facilities such as a fire station. The County will have a Master Plan document in place to put in those stipulations. Mr. Higginson said that is what the Master Plan will assist in doing. **John Dalton** said that he doubts seriously that Winslow, Holbrook, Snowflake, Pinetop or Lakeside would be in existence if they would have had to pave the roads before people moved in. He went on to say that unless it is a subdivision he does not think this will fly and that it is too cost prohibitive. **Scott Higginson** said that this is a policy decision for the County to make and that is why they changed the language to "should" instead of "shall". He agreed with Gary Nelson's suggestion about adding rail lines. A motion was made by **Drew Shumway** to approve the Navajo County Comprehensive Plan, with the additional changes to increase the community village around the Winslow area and to add a proposed potential future road from State Route 99 to Chevelon Retreat area. **Wendell DeCross** seconded the motion. Motion unanimously carried.

Item #2 **ZONE CHANGE**: Discussion and possible Commission action on a request by **Payson Exchange #3 Partnership** for a Zone Change from A-General to R1-10 (Single-Family Residential – 10,000 square foot minimum lot size) on the subject property, APN 208-06-011 in Township 11 North, Range 19 East, Section 18 of the Gila and Salt River Meridian, the Clay Springs area. **Lissa Davis** gave a history of the project and presented maps showing the general area and the site plan. She said that this is to correct the error on the Zone Change application that was approved by the Board of Supervisors on August 18, 2003. At that time the 10-acre parcel located in the northern portion was omitted from the application (indicated on map). The County attorney advised a new application for the 10-acres would be required. Everything is the same as the original application and staff is recommending approval with the same stipulation that was put on the previous application with the 140 acres. She said that the applicant is amendable to this and he was unable to be in attendance. **The applicant was not in attendance. No one came forward to speak in favor or opposition regarding this matter.** A motion was made by **Wendell DeCross** to approve the Zone Change with the stipulations stated by staff. **RECOMMENDED STIPULATIONS:** *1. A Traffic Impact Analysis (TIA) and the Master Drainage Report for the development should be submitted and approved by the County Engineer before the Tentative Plat for the first phase of the development is submitted to the Planning & Zoning Commission. 2. All required offsite improvements including, but not limited to, traffic signals, construction of collector streets to the regional arterial system, and right-of-way acquisition, identified in the TIA shall be constructed or financially assured before the stage of the development is constructed that first requires the improvement. 3. The Developer shall demonstrate that collector street access is available to any adjacent developable land. If all adjacent land is under the control of a Federal, State, or Tribal agency, the Developer shall submit a letter from the agency stating their concurrence with the access that is provided to the land under the agency's control or any proposed access restrictions. 4. All technical requirements of the Subdivision Regulations shall be met before approval of the Master Plan. Variances shall be requested and justified for the entire development in the Master Plan and repeated with each of the phases they apply to. 5. Sufficient off-road drainage easements shall be made available to accommodate major drainage.* **Frank Damato** said in the past meeting that the commission was split and they were talking acre parcels instead of R1-10. **Bob Bailey** seconded the motion. Motion unanimously carried.

Item #3 **REVISED MASTER DEVELOPMENT SITE PLAN:** Discussion and possible Commission action on a request by Lakeside 160 LLC. DBA: **Starlight Ridge Estates**, to revise the approved Conceptual Master Site Plan for the subject property, APN: 212-05-007E in Township 9 North, Range 22 East, Section 8 of the Gila and Salt River meridian, the Lakeside Wagon Wheel area. **Dave Ashton** gave a history of the project and presented maps showing the general area and the site plan. **Mr. Ashton** showed the area on the map that was initially approved for 160-acres of Starlight Ridge Estates (Kohner Addition). They have come in now with a Tract A that was blank at this time that was going to be designated town homes. Public Works Department stipulations are basically the same as the initial one as last year. Read Public Works Department stipulations. Staff recommends approval with stipulations. **Richard Young** reminded the commission several months ago they did present the approval of the County Engineer of the Master Traffic Impact Analysis and that this has in fact been approved. **John Murphy** is the developer and he is with the firm Murphy Engineering Group and is representing the developer. Mr. Murphy indicated that this is the site plan that was promised over a year ago that when they got into the townhouse it was promised that they would bring a Master Plan and next part is the Tentative Plat. He said that the original Master Plan called for 180 town homes units and does not look like it will happen now, and they would probably be in the neighborhood of about 140 – 145 units. **No one came forward to speak in favor or opposition regarding this matter.** **Wendell DeCross** said in previous meeting several commissioners and various members of the public had concerns with this Rim Road coming down and joining up. At that time, they were told that would probably not occur with the development. Mr. DeCross asked if this would occur now. **Dave Ashton** responded by saying no and said that this tract is being left open for possible future transportation. **John Murphy** said that this is just open space between the two units and is reserved for transportation use in the future. A motion was made by **Gary Nelson** to approve the Revised Master Development Site Plan with the stipulations given by staff. **RECOMMENDED STIPULATIONS:** *1. All required offsite improvements identified in the Traffic Impact Analysis or Master Drainage Plan shall be constructed or financially assured before the stage of the development is constructed that first requires the improvement. 2. All technical requirements of the Subdivision Regulations shall be met before approval of any Phase of the Tentative Plat. Variances shall be requested in accordance with Section 4.12 and justified. 3. Sufficient off-road drainage easements shall be made available to accommodate major drainage. 4. Drainage structures, including detention or retention ponds, shall be constructed with the earliest phase that they are warranted and before any other work occurs that may preclude their construction when needed. 5. Developer may submit a request to extinguish the Rim Road easement through the Public Works Department to the Board of Supervisors before the Plat is submitted, or the easement shall be extinguished as part of the plat process. 6. The Developer must verify that the U. S. Forest Service easement(s) have been extinguished.* **Frank Damato** seconded the motion. Motion unanimously carried.

Item #4 **TENTATIVE PLAT:** Discussion and possible Commission action on a request for Lakeside 160 L.L.C. for the approval of **Starlight Ridge Estates Townhouses Unit 1 Subdivision** located on APN 212-05-007E, T9N, R22E, Section 8 of the Gila and Salt River Meridian, the Lakeside Wagon Wheel area. **Dave Ashton** gave a history of the project and presented maps showing the general area and the site plan. Mr. Ashton indicated that this was a follow on to the action that we just did amending the site plan. They have 72 units reduced from 80 and meet our requirements for a Tentative Plat. Staff recommends approval with a stipulation. **No one came forward to speak in favor or opposition regarding this matter.** A motion was made by **Frank Damato** to approve the Tentative Plat with the stipulation stated by staff. **RECOMMENDED STIPULATION:** *1. All engineering design concerns shall be satisfactorily answered prior to scheduling the final plat and the improvement plans before the Board of Supervisors.* **Bob Bailey** seconded the motion. Motion unanimously carried.

Item #5 **SPECIAL USE PERMIT:** Discussion and possible Commission action on a request by **Mary Petersen** to allow the construction of a cellular communications tower on the subject property, APN: 208-19-001E in Township 11 North, Range 19 East, Section 24 of the Gila and Salt River meridian, the Pinedale area. **Lissa Davis** gave a history of the project and presented maps showing the general area and the site plan. This would create a use that is allowed only with a Special Use Permit. Public Works Department review has no concerns; there are no county roads in the vicinity or no drainage or flooding concerns. The proposed Special Use Permit is consistent with the area and will contribute to continuous wireless communication service along the State Highway 260 corridor. Staff recommends approval with stipulations. **Carl Wibel** is the agent and he was in attendance. Mr. Wibel indicated that he works for Cellularone in site acquisition and looked at areas that could provide the best service and the best coverage for the systems. In their there were good locations on Forest Service land. However, there is a mandate to not lease any Federal land for any communication towers. This created a huge obstacle since they are surrounded by a lot of Federal land so that now they had to look for private land. He has spoken to four individuals who have contacted him at his office and some had questions on signaling and had a gentleman

who owned a ham radio station and has a tower there currently and was concerned about his satellite transmissions interfering with their cellular services. He said that his power is many times stronger than the one we put on our towers. Also spoke to an official of the Church of Jesus Christ of Latter Day Saints regarding the signal and the looks of the tower and answered their questions. **Richard Kloc** spoke in opposition to this request. He said that his property is located on lot 18C and would directly overlook the proposed tower which would have a negative impact on the area and affect property values. This is inappropriate for the area and should be in an industrial or commercial type of environment and not in a residential area. He said that this will negatively impact the marketability of all the properties in the neighborhood. **Mickie Oliver** spoke in opposition and said that she is not in the 300' range of the property and read a petition that was circulated in her neighborhood objecting to this request (26 signatures on the petition). She cited concerns on health and safety, being a eyesore to the community, depreciation of property values, other towers already in the neighborhood, the height of tower and it being placed in residential area. **Kimberly Burd** spoke in opposition and said that she resides on parcel 21C. Ms. Burd complained about the height of the towers and said that there are two towers already built in the Victory Heights area (showed pictures to the commission). Ms. Burd indicated that this would be the third tower in the neighborhood and it seems because of the elevation on their hillside in their community the over sized towers are popping up like mushrooms. She said that they should consider the residents who are living here before these towers are erected. **Eugene Simon** spoke in opposition and owns parcel 51. The tower will be a very visible object going into the area and is as tall as an 18-story building. There are no other 18-story buildings in Northern Arizona other than these towers. **Ken Baker** spoke in opposition and resides in Lot 61B. His concerns are the visual impact of the tower and the health effects of microwave emissions. He emphasized that cell towers do not belong in residential communities. **Ken Burd** spoke in opposition and resides on Lot 21C. He reiterated the comments about there being too many towers there already. He asked that the commission should consider the people who live there already. Mr. Burd asked what is the exposure level will be to residents as far as microwatts for centimeter. **Linda Beatty** spoke in opposition owns parcel 18C. She said that putting a commercial structure like this in a residential area does not make sense and is a negative impact on property owners. **John Dalton** said that staff has done their best to inform the people within a 300-foot radius and this is what law requires. **Carl Wibel** addressed the question on property values and property depreciation. Mr. Wibel indicated that they had done some research and there is a tower in a residential area in the Pinetop Lakes Country Club and according to the realtors it has not any impact on the property values. Mr. Wibel said that they researched other options in the burned areas, and that is United States Forest Service property and further back of that is tribal land. They were denied by any Federal Agency to place a tower on their land. **D. J. Killian** is the contract architect engineer for Cellularone. Mr. Killian said in regards to health affects that the tower will be in compliance with all of the Federal Communication Commission rules. He reiterated that they are currently in compliance with all the regulations. As far as the microwatts they would have to take measurements. **Richard Young** said that the regulation of health affects of radio frequency exposure is not a matter that is delegated to the States and Counties and it is a matter held by the Federal Government. **Dave Ashton** asked if this was a microwave tower. **Carl Wibel** replied no. **Lissa Davis** said that on stipulation number 8 they would like to change the wording to say "The leased area around the ground equipment shall be enclosed with a 6-foot high fence." A motion was made by **Drew Shumway** to approve the Special Use Permit with the stipulations stated by staff to include the rewording of stipulation number 8. **Wendell DeCross** reminded the commission that there is a power line that runs along the property line. **RECOMMENDED STIPULATIONS:** 1. *This Special Use Permit shall permit a wireless communication tower, 180 feet in height, on the subject property.* 2. *The permitted Special Use shall be allowed to occur only in the location shown on the approved site plan.* 3. *This Special Use Permit shall run with the land.* 4. *The approval of the Special Use Permit is contingent upon successful review of the structural details of the subject tower and that a building permit for such tower is issued.* 5. *The applicant must meet all State and Federal requirements concerning communication towers prior to any building permits being issued.* 6. *If the tower is no longer being utilized, the owner shall cause at his expense the removal of all components of this tower within a 90-day period.* 7. *Property owner will provide a non-buildable easement around the leased area for a total 180-foot radius.* 8. *The leased area around the ground equipment shall be enclosed with a 6-foot high fence.* **Frank Damato** seconded the motion. Motion unanimously carried.

Item #6 **SPECIAL USE PERMIT:** Discussion and possible Commission action on a request by the **Linden Fire District** to allow the construction of a cellular communications tower on the subject property, APN: 209-20-019 in Township 10 North, Range 21 East, Section 4 of the Gila and Salt River meridian, the Linden area. **Lissa Davis** gave a history of the project and presented maps showing the general area and the site plan. This would create a use that is allowed in this district only with a Special Use Permit. There are no comments from the Public Works Department. Staff is recommending approval with stipulations. Staff had not received any comments in favor or opposition pertaining to this request. **Carl Wibel** is the agent and said this is a phase of the build out of the digital project along Highway 260 moving eventually toward the Heber area. He said that their closest tower is currently at Northland Pioneer College at the Show Low campus. Mr. Wibel met with

Chief Price of the Fire Department and she later met with the Fire District Board. The Fire Chief and the Board had no problem with the location of the facility. **No one came forward to speak in favor or opposition regarding this matter.** **Wendell DeCross** said that this property is commercial property all around it. A motion was then made by **Wendell DeCross** to approve the Special Use Permit with the stipulations stated by staff. **RECOMMENDED STIPULATIONS:** *1. This Special Use Permit shall permit a wireless communication tower, 70 feet in height, on the subject property. 2. The permitted Special Use shall be allowed to occur only in the location shown on the approved site plan. 3. This Special Use Permit shall run with the land. 4. The approval of the Special Use Permit is contingent upon successful review of the structural details of the subject tower and that a building permit for such tower is issued. 5. The applicant must meet all State and Federal requirements concerning communication towers prior to any building permits being issued. 6. If the tower is no longer being utilized, the owner shall cause at his expense the removal of all components of this tower within a 90-day period. 7. Property owner will provide a non-buildable easement around the leased area for a total 70-foot radius. 8. Property owner will provide a non-buildable easement around the leased area for a total 70-foot radius.* **Drew Shumway** seconded the motion. Motion unanimously carried.

Item #7 **SPECIAL USE PERMIT:** Discussion and possible Commission action on a request by **Ernest & Paula Sutter** to allow a small diameter timber operation on the subject property, APN: 204-57-041C in Township 11 North, Range 22 East, Section 25 of the Gila and Salt River meridian, White Mountain Lakes area. **Lissa Davis** gave a history of the project and presented maps showing the general area and the site plan. The Public Works Department indicated that there has not been enough information to comment on. Ms. Davis said that any building permits or off site improvements will be addressed and this could be added as a stipulation. There are no flooding concerns but should have a drainage analysis for a commercial development this size. The proposed Special Use is consistent with County efforts to find uses for excess timber salvaged/removed from the forested areas and to promote economic development within the County. Ms. Davis said that this operation has been up and going for several months with Mr. Sutter not knowing that he needed a Special Use Permit for type of operation. Staff has not received any comments in favor or opposition pertaining to this request. **The applicant was not in attendance. No one came forward to speak in favor or opposition regarding this matter.** **Dave Ashton** asked Richard Young on stipulation number 4 asked if this meant that the whole road shall be paved from Bourdon Ranch Road. **Richard Young** replied just the turnouts. **Frank Damato** asked if all the safety issues have been addressed and if not then this should be added as a stipulation. **Richard Young** said that should be addressed. **Lissa Davis** said that the applicant is required to have a right a way use permit and those things will be addressed as part of the right a way. **Frank Damato** asked what the difference was between small and large diameter of the timber. **June Webb** said that the small diameter timber is less than 18 inches and is 20 feet long for it get to a 24-inch long post. **John Dalton** said that he is in favor of harvesting all the timber before it rots. **Wendell DeCross** said that he visited the site which is next to a huge cinder pit. Mr. DeCross biggest concern was the paving of the road. He asked how many trucks travel into this operation on a daily basis. Mr. DeCross said that he couldn't see paving the road all the way there. **June Webb** answered by saying, two trucks that make about three trips a day. **Richard Young** said with this information that was just given, they want a stipulation stating that a portion of the access road including a appropriate turning radius and whatever culvert is necessary within the Bourdon Ranch Road right a way. **Lissa Davis** asked that stipulation number four be amended to read "The access road shall be paved within the Bourdon Ranch Road right a way and an appropriate culvert installed. A motion was made by **Wendell DeCross** to approve the Special Use Permit with the stipulations stated by staff and to include the amendment of the wording of stipulation number four. **RECOMMENDED STIPULATIONS:** *1. A Right-of-Way Use Permit shall be obtained for the access road before beginning any work within the public right-of-way. 2. The permitted Special Use shall be allowed to occur only in the location shown on the approved site plan. 3. This Special Use Permit shall run with the land. 4. The access road shall be paved within the Bourdon Ranch Road right a way and an appropriate culvert installed. 5. A drainage analysis shall be submitted prior to scheduling before the Board of Supervisors. This shall ensure that drainage from the site does not negatively impact adjacent properties.* **Bob Bailey** seconded the motion. Motion unanimously carried.

Item #8 **ZONE CHANGE:** Discussion and possible Commission action on a request by **Thurman & Margaret Miller** for a Zone Change from RU-20 (Rural Zoning District-Twenty (20) Acres per Dwelling Unit) to RU-5 (Rural Zoning District – Five (5) Acres per Dwelling Unit) on the subject property, APN 203-59-012B in Township 14 North, Range 23 East, Section 9 of the Gila and Salt River Meridian, the Cedar Hills area. **Lissa Davis** gave a history of the project and presented maps showing the general area and the site plan. Ms. Davis said the situation that the Miller's have is that Hay Hollow Road cuts through their property. The northern portion of their property is approximately 11 acres and the lower portion is approximately 9 acres. With the current RU-20 zoning, the bottom half of their property is useless. Ms. Davis said that they have received two letters in opposition. The Public Works Department would recommend the

slightly more restrictive RU-10 zoning in this location. There are no known drainage or flooding concerns. Staff is recommending approval with stipulations. **Frank Damato** asked why they are requesting 80-feet for the perimeter. **Richard Young** said that they looked at the Subdivision Regulations and the 80-foot right a way would fit with the category of the road. The applicant was not in attendance but Ms. Davis said that he would be available by telephone. No one came forward to speak in favor of this request. **Mervyn Moore** spoke in opposition and said that there is no other 5-acre development out there. He went on to say that is no other purpose for this than personal gain. He expressed concern about people affording wells, the safety of wells from the contamination of the septic systems from too many people. **Carl Lukkes** spoke in opposition and showed the parcels that he owned. **Dick Brittian** spoke in opposition and said that he is outside of the 300-foot area. Mr. Brittian said that this is inappropriate to the area and is not in favor of the RU-10 zoning that is recommended. **Don Denious** spoke in opposition and is not within the 300-foot radius. **Tim Lesperance** spoke in opposition and supports the zoning that is already designated. **Lissa Davis** said that the applicant would prefer the RU-5 zoning but the RU-10 would suffice. **Frank Damato** asked if the abutting lot was the only RU-5 for the whole area. **Dave Ashton** replied yes. **Wendell DeCross** said that he is not in favor of the RU-5 zoning and feels more comfortable with the RU-10. Mr. DeCross said that he does not think that this property will support anything less than the 10-acres. A motion was made by **Bob Bailey** to approve the Zone Change with the RU-10 zoning and the stipulations stated by staff. **RECOMMENDED STIPULATIONS:** *1. A right-of-way of not less than 80- feet in width centered on the existing alignment of Hay Hollow Road shall be deeded to Navajo County prior to scheduling before the Board of Supervisors. 2. All such lot splits and right-of-way actions shall be reviewed by the Navajo County Development Services Department and Public Works Department before they are recorded. A restriction to the current deed reflecting this stipulation shall be recorded with the Navajo County Recorder prior to scheduling with the Board of Supervisors.* **Frank Damato** seconded the motion. Motion unanimously carried.

Item #9 **SPECIAL USE PERMIT:** Discussion and possible Commission action on a request by **Rodney Heikens** for a Special Use Permit to allow a Manufactured Home Refurbishing and Resale business on a portion of the subject property, APN: 204-22-004A in Township 11 North, Range 17 East, Section 17 of the Gila and Salt River meridian, the White Mountain Lakes area. **Lissa Davis** gave a history of the project and presented maps showing the general area and the site plan. The Public Works Department has requested an engineered site plan. Ms. Davis said that Mr. Young has indicated that Mr. Heikens is getting very close with his site plan. There are no drainage or flooding concerns but Public Works is requesting a drainage analysis plan. Sales are allowed by right of the current C-R zoning and the refurbishing and storage triggered the Special Use Permit. Staff has not received any comments in favor or opposition pertaining to this issue. Staff is recommending approval with stipulations. **John Dalton** called attention to stipulation number four and asked for clarification. **Lissa Davis** said that it should read to say "A 20-foot wide landscape buffer or a 6-foot nontransparent fence or wall shall be constructed between the C-R and R1-10 zoning districts". **Rodney Heikens** is the applicant and he was in attendance. Mr. Heikens said that the refurbishing would be very minimal. A motion was made by **Drew Shumway** to approve the Special Use Permit with the correction of stipulation number four and the other stipulations stated by staff. **Frank Damato** seconded the motion. Motion unanimously carried.

Item #10 **ZONE CHANGE/MASTER DEVELOPMENT SITE PLAN:** Discussion and possible Commission action on a request by **JMK Properties LLC** for a Zone Change from A-General to Special Development along with the Conceptual Master Development Site Plan on the subject property, APN: 212-37-096D in Township 9 North, Range 22 East, Section 35 of the Gila and Salt River meridian, the Lakeside area. ***TABLED BY APPLICANT***

Item #11 **TENTATIVE PLAT:** Discussion and possible Commission action on a request by **Canyon Vista Properties, L.L.C.** for approval of the ***Master Plan and*** Tentative Plat for the Canyon Vista Estates Subdivision, located on APN: 204-08-012, T12N – R22E - Section 31 of the Gila and Salt River Meridian, in the Shumway area, Navajo County, Arizona. *** Revised*.** **Dave Ashton** gave a history of the project and presented maps showing the general area and the site plan. Mr. Ashton said that have a big section in Shumway (104 acres) and they want to put in big lots (approximately 2.5-acres to 5-acres maximum). The Tentative Plat is complete for our purposes and the engineering department is recommending denial of the two variances on 3.20 and 8.4. The drainage report came in late but there are no major concerns. Staff is recommending approval with a stipulation. **John Murphy** is with the firm Murphy Engineering Group and is representing the developer. This is a piece of property almost a 105-acres on top of a mesa that overlooks part of the Shumway valley. The developer would like to create a rural type of property. It is very expensive to do pavement on large lots such as this, therefore he would like to create a private road subdivision and leave it as a gravel road. The homeowners would then be responsible for doing all of the maintenance. Mr. Murphy spoke about how Shumway Road is away from the property in both directions, and making a secondary access impractical without getting onto other peoples property. In attempt to take care of the

secondary access issue they have created 3 locations where they are providing easements onto adjoining properties. When these properties are developed in the future a network or system of roadways will be created and formed secondary access. Mr. Murphy said that he spoke with Mr. Young and said that Mr. Young would like for them to move the cul-de-sacs to the property line and they do not have a problem with this. He also spoke to Mr. Young about his concern about the non-pavement of the roads and he would like a improvement district or a special district to be put in place for this subdivision. He said that if the homeowners in the future would like to pave the roads then the improvement district would already be in place and could be used. He said that the developer had no problems with this. He said as to the timing of this, they do not know if it could be set up in time but the developer would certainly sign the petition and get the ball rolling prior to final plat acceptance. **Greg Hughes** spoke in favor of the project. **No one came forward to speak in opposition to this request.** **Richard Young** said that there is one variance that was not stated but becomes necessary temporarily with it being a modified single point of access (Section 3.14 & 3.7A4). Mr. Young said that they would withdraw recommendation of denial on Section 3.20 and 8.4 with the stipulation that the developer provide a tract or similar dedicated access right a way to the property line adjacent to property lines 5 and 6 which is Northwest corner of the site and that the developer initiate a County special assessment improvement district under Arizona Revised Statutes Title 48 prior to the presentation to the final plat to the Board of Supervisors for the purpose of paving streets. A motion was made by **Frank Damato** to approve the Tentative Plat with the stipulation stated by staff and the additional stipulations given by Richard Young. ***RECOMMENDED STIPULATIONS: 1. All outstanding engineering concerns shall be resolved to the satisfaction of the County Engineer before the Final Plat and Master Plan are submitted to the Board of Supervisors. 2. Applicant shall dedicate a right of way or Tract of land adjacent to Lots 5 and 6 running to the north subdivision boundary line. 3. Prior to presentation of the final plat to the Board of Supervisors, the applicant shall initiate a county special assessment improvement district for the purpose of paving streets.*** **Gary Nelson** seconded the motion. Motion unanimously carried.

Item #12 **Election of Vice-Chairman.** A motion was made by **Drew Shumway** to nominate **Wendell DeCross** to serve as vice chairman. **Frank Damato** seconded the motion. A motion was made by **Gary Nelson** to close nominations. **Bob Bailey** seconded the motion. The vote was unanimous to close the nominations. The vote to install **Wendell DeCross** is vice chairman was unanimous.

Item #13 **Possible Approval of 2004 Meeting Schedule.** A motion was made by **Wendell DeCross** to approve the 2004 meeting schedule. **Frank Damato** seconded the motion. Motion unanimously carried.

Item #14 **Possible approval of July 17, 2003 Minutes.** A motion was made by **Frank Damato** to approve the minutes. **Wendell DeCross** seconded the motion. Motion unanimously carried.

Item #15 Commissioners' comments and/or directions to staff. Commissioners may use this time to offer additional comments regarding any item on this agenda or any other topic; and the Commission may direct Development Services Department staff to study or provide additional information on topics of the Commissions' choosing. The commission asked staff to not go this long without a meeting. Staff responded by saying that due to budget constraints and a lack of items for the agenda it was the cause of delay.

With there being no further business to come before the Planning and Zoning Commission, the meeting was adjourned at 10:40 p.m. **Wendell DeCross** made a motion to adjourn. **Frank Damato** seconded the motion. Motion unanimously carried.

NOTE: a copy of the agenda background material provided to the Commission Members (with exception of material relating to possible executive sessions) is available for public inspection at the Development Services Office, Navajo County Complex, Holbrook, Arizona, Monday through Friday, 8:00 a.m. to 5:00 p.m.

Approved this _____ day of _____, _____.

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Secretary, Navajo County
Development Services